

NOTICE

June 17, 2005

The Honorable John E. Jones, III
United States District Court
Middle District of Pennsylvania
U.S. Courthouse & Federal Building
Williamsport, Pennsylvania 17701

Re: Kitzmiller, et al. vs. Dover Area School District, et al.
No. 04-CV-2688

Dear Judge Jones:

This letter shall serve as Notice that the portion of the Motion to Quash Subpoena or For Protective Order filed by non-parties Joseph Maldonado and Heidi Bernhard-Bubb on June 14, 2005 in the above referenced matter requesting a stay of the depositions scheduled for June 15, 2005 is withdrawn as per the amicable agreement of counsel for the Defendants and counsel to Joseph Maldonado and Heidi Bernhard-Bubb (the "parties"). We note that Plaintiffs have previously agreed to reserve the right to raise testimonial issues involving the subpoenaed non-parties at trial and the subpoenaed non-parties have reserved the right to raise objections to same at trial. Accordingly, the depositions scheduled for June 15, 2005 have been cancelled by amicable agreement of the parties. **All other aspects of the said Motion to Quash Subpoena or For Protective Order remain outstanding, including the ultimate resolution of the merits of the Motion; all that has been agreed to by the parties is the canceling of the depositions previously scheduled for June 15, 2005.**

Thank you.

Very truly yours,

Terence J. Barna, Esquire

TJB/mjs